

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #7	CCRB Case #: 201802118	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 03/05/2018 6:30 PM	Location of Incident: 153 East 67th Street	Precinct: 19	18 Mo. SOL 9/5/2019	EO SOL 9/5/2019	
Date/Time CV Reported Sun, 03/18/2018 6:13 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 03/18/2018 6:13 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT James Gebhard	01531	945752	019 PCT
2. POM Carlos Rios	12568	935592	019 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Carlos Rios	Off. Language: Police Officer Carlos Rios made remarks based upon the perceived mental health of § 87(2)(b)	
B.SGT James Gebhard	Off. Language: Sergeant James Gebhard made remarks based upon the perceived mental health of § 87(2)(b)	
C.SGT James Gebhard	Abuse: Sergeant James Gebhard threatened to remove § 87(2)(b) to the hospital.	

Case Summary

On March 18, 2018, § 87(2)(b) filed the following complaint via the CCRB's website.

On March 5, 2018, at approximately 6:30 p.m., § 87(2)(b) entered the 19th Precinct stationhouse to file a complaint regarding harassment and stalking. § 87(2)(b) approached Police Officer Carlos Rios of the 19th Precinct, and apprised him of her complaint. After he and § 87(2)(b) argued over whether the NYPD could take a report of her complaint, PO Rios allegedly asked if she was mentally ill, was schizophrenic, was on any medication, and if she had ever been hospitalized before (**Allegation A: Offensive Language**, § 87(2)(g) § 87(2)(b) asked to speak to a supervisor, and a few minutes later, Sergeant James Gebhard of the 19th Precinct, approached § 87(2)(b) asked if she was mentally ill, and if she was on any medication (**Allegation B: Offensive Language**, § 87(2)(g) § 87(2)(b) After arguing with § 87(2)(b) for several minutes, Sgt. Gebhard allegedly told an unidentified officer to "call a bus," for § 87(2)(b) (**Allegation C: Abuse of Authority**, § 87(2)(g) § 87(2)(b) and she left the 19th Precinct stationhouse. § 87(2)(b) was not arrested or issued any summons as a result.

There is no video evidence for this case.

§ 87(2)(g)

Findings and Recommendations

Allegation A—Offensive Language: Police Officer Carlos Rios made remarks based upon the perceived mental health of § 87(2)(b)

Allegation B—Offensive Language: Sergeant James Gebhard made remarks based upon the perceived mental health of § 87(2)(b)

Allegation C—Abuse of Authority: Sergeant James Gebhard threatened to remove § 87(2)(b) to the hospital.

§ 87(2)(b) stated that on March 5, 2018, at approximately 6:30 p.m., she entered the 19th Precinct stationhouse at 153 East 67th Street in Manhattan, to file a complaint report regarding multiple incidents of harassment and stalking she has experienced in several states for the last 10 years (BR01). § 87(2)(b) informed Sgt. Gebhard at the desk, who told her to have a seat. A few minutes later, PO Rios approached and § 87(2)(b) informed him of her complaint. PO Rios refused to file a report for § 87(2)(b)'s complaint, and asked if she was mentally ill, if she was on any medication, if she was schizophrenic, and if she had ever been hospitalized before. § 87(2)(b) replied that she was distressed not mentally ill and requested to speak with a supervisor. PO Rios walked over and spoke to Sgt. Gebhard at that desk. A few minutes later, Sgt. Gebhard approached and asked § 87(2)(b) if she was mentally ill, if she was on any medication, if she needed any help, and told § 87(2)(b) that he and PO Rios were trying to help her. § 87(2)(b) stated that while Sgt. Gebhard was speaking to her, she began cleaning her purse out because a salad she purchased earlier had spilled in it.

§ 87(2)(b) asked to speak to another supervisor and Sgt. Gebhard informed her that he was the only supervisor available. PO Rios approached, and both officers asked § 87(2)(b) to step into a back room with them so they could speak, however, § 87(2)(b) refused. Sgt. Gebhard stated, "You'd rather this take place in public?" and § 87(2)(b) replied, "Sure." Sgt. Gebhard turned toward the back of the 19th Precinct stationhouse and said, "Call a bus," although § 87(2)(b) stated that there was no officer in the area of the stationhouse that Sgt. Gebhard had spoken the order to. Sgt. Gebhard asked § 87(2)(b) if she needed a bus and if she needed to talk

to someone. § 87(2)(b) replied, “Absolutely not,” and exited the 19th Precinct stationhouse. The incident lasted between 20 and 30 minutes, and neither officer asked or ordered § 87(2)(b) to leave the stationhouse at any point.

PO Rios stated that upon entering the 19th Precinct stationhouse, § 87(2)(b) approached him and wanted to file a complaint report regarding harassment she has experienced in various states over a long period of time (BR02). PO Rios described § 87(2)(b) as speaking at an elevated volume, and characterized her complaint as a conspiracy, wherein multiple individuals have coordinated to harass her. After hearing her out, PO Rios informed § 87(2)(b) that that NYPD does not have jurisdiction over incidents that occur outside of the five boroughs of New York, and therefore would not be able to file a complaint report in regards. PO Rios could not recall whether any of the complaints § 87(2)(b) had fell within the NYPD’s jurisdiction.

§ 87(2)(b) became irate, and began throwing the contents of her lunch from within her purse around the stationhouse. PO Rios clarified, upon being asked, that § 87(2)(b) s lunch fell out of her purse and she repeatedly threw it back in, creating “quite a scene.” PO Rios said he was not speaking to § 87(2)(b) while she was engaged in this, and thought she was “out of her mind,” and suffering from a mental illness. PO Rios denied that § 87(2)(b) s statements or actions ever gave him concern that she might hurt herself or others. PO Rios did not recall asking § 87(2)(b) if she was mentally ill, schizophrenic, on medication, or if she had ever been hospitalized before.

PO Rios told § 87(2)(b) “Ma’am, you seem a little confused, and you’re acting erratic...I think it would be best if you were seen by a medical professional,” and asked if she wanted him to call an ambulance for her. § 87(2)(b) refused and appeared to take offense to his question though he did not understand why. § 87(2)(b) began screaming that she did not need a doctor, and requested to speak to a supervisor. PO Rios went over to Sgt. Gebhard, explained what § 87(2)(b) had told him and what he had told her, and both officers approached her. Sgt. Gebhard asked her if she needed or wanted medical attention, § 87(2)(b) refused, and 20 minutes later, she left the 19th Precinct stationhouse. PO Rios could not recall whether Sgt. Gebhard threatened to forcibly remove § 87(2)(b) to the hospital, although he did recall discussing calling a bus for § 87(2)(b) with Sgt. Gebhard during the incident.

Sgt. Gebhard did not know what § 87(2)(b) s and PO Rios’ initial conversation consisted of, but noted that the volume of her voice increased and she became “a little belligerent” during the course of their interaction (BR03). Sgt. Gebhard stated that because § 87(2)(b) was becoming disorderly, he approached and asked her to wait in the 124-Room for a minute. PO Rios informed him that § 87(2)(b) wanted to file a complaint about an incident that occurred “in another state, 15 years ago,” and that unidentified people had been following her wherever she went for the last 10 years. Sgt. Gebhard described § 87(2)(b) as being manic, talking at a rapid pace, and “moving back and forth between the details of her fantastical story.” After § 87(2)(b) went into the 124-Room, an unidentified civilian who had been waiting in the stationhouse told Sgt. Gebhard that § 87(2)(b) had told him that she “was crazy.”

Sgt. Gebhard went into the 124-Room and separated § 87(2)(b) and her unidentified male friend who had accompanied her to the stationhouse. Sgt. Gebhard asked the friend if § 87(2)(b) had any psychological issues but the friend did not know. Sgt. Gebhard then approached § 87(2)(b) who told him that “everything began in a dog park, 15 years prior,” and that the “Jamaican Mafia” had been following her ever since. § 87(2)(b) displayed manic behavior, had difficulty speaking coherently, and was “hyped up” when explaining what had occurred. Sgt. Gebhard asked if she was under the care of a psychologist, if she took any medication that he

should be aware of, and asked if she wanted him to call her an ambulance. § 87(2)(b) was “aghast” by Sgt. Gebhard’s questions, and accused him of thinking she was crazy. Sgt. Gebhard told § 87(2)(b) he was not a doctor, was not diagnosing her, and could only call medical professionals in to try and give her help.

After arguing with him for approximately 30 minutes, Sgt. Gebhard told § 87(2)(b) “Ma’am, I’m going to have to call you an ambulance if you don’t calm down or leave.” Sgt. Gebhard denied that he was concerned § 87(2)(b) would hurt herself or others, but thought to call an ambulance because “the way § 87(2)(b) was talking was just not the normal way people communicate.” Sgt. Gebhard denied that he threatened § 87(2)(b) with calling an ambulance, but explained that if she was not able to control herself, and was having a “psychological crisis,” he is mandated to call EMS and have the individual evaluated by medical professionals. Sgt. Gebhard told § 87(2)(b) he was going to call an ambulance for her and she left the 19th Precinct stationhouse. Sgt. Gebhard denied that he threatened to forcibly remove § 87(2)(b) to the hospital.

Officers are prohibited from using discourteous or disrespectful remarks regarding another person’s ethnicity, race, religion, gender, sexual orientation, or disability. Patrol Guide, Procedure 203-10 (BR04).

When an officer reasonably believes that a person is apparently mentally ill or temporarily deranged, the person must be taken into protective custody if they are conducting themselves in a manner that is likely to result in a serious injury to themselves or others. If the emotionally disturbed person’s actions do not constitute an immediate threat of serious physical injury or death to themselves or others, and are unwilling to leave voluntarily, officers are directed to isolate and contain the EDP until assistance arrives, request an ambulance if one has not already been dispatched, and are prohibited from taking the EDP into custody without the specific direction of a supervisor. Patrol Guide, Procedure 221-13 (BR05).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint that § 87(2)(b) has been party to.
- PO Rios, a 14-year-member-of-service, has had one prior CCRB complaint filed against him, with a total of two allegations, none of which were substantiated (see Officer History). § 87(2)(b)
- Sgt. Gebhard, a 10-year-member-of-service, has had three prior CCRB complaints filed against him, with a total of nine allegations, none of which were substantiated (see Officer History). § 87(2)(g)

Mediation, Civil and Criminal Histories

- § 87(2)(g)
- As of August 15, 2018, § 87(2)(b) has not filed a Notice of Claim with the NYC Comptroller's Office in regards to this incident (BR06).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 7

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date